

APPEAL NO. 152145
FILED JANUARY 8, 2015

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 19, 2015, in San Antonio, Texas, with (hearing officer) presiding as hearing officer. The hearing officer determined that an attorney's fee in the amount of \$637.50, is reasonable and necessary for services rendered from June 22 through August 25, 2015.

The appellant (claimant) appealed the hearing officer's attorney fee determination contending that the hearing officer's determination is against the great weight and preponderance of the evidence. The appeal file does not contain a response from respondent 1 (attorney) or respondent 2 (carrier).

DECISION

Affirmed in part, reversed and rendered in part, and reformed in part.

The Texas Department of Insurance, Division of Workers' Compensation (Division) Order for Attorney's Fees, Sequence No. 1 dated August 28, 2015, approved 8.55 hours of attorney's fees at \$150.00 an hour for a total attorney fee request of \$1,282.50. The standard for review in an attorney's fees case is abuse of discretion. Appeals Panel Decision 061189, decided July 24, 2006.

The hearing officer made a finding of fact, conclusion of law, and decision that an attorney's fee in the amount of \$637.50 (4.25 hours at \$150.00 an hour of the requested \$1,282.50 in attorney fees), is reasonable and necessary for services rendered from June 22 through August 25, 2015. This determination is supported by sufficient evidence and is affirmable.

The hearing officer made a finding of fact and decision that an attorney's fee in the amount of \$645.00 (4.30 hours at \$150.00 an hour of the requested \$1,282.50 in attorney fees), is excessive and will not be paid to the attorney. However, we note that the hearing officer failed to make a conclusion of law that an attorney's fee in the amount of \$645.00 is excessive and will not be paid to the attorney. That portion of the hearing officer's attorney fee determination is incomplete. Accordingly, we reverse that portion of the hearing officer's decision as being incomplete, and we render a new decision to conform to the evidence and the hearing officer's finding of fact and

determination that an attorney's fee in the amount of \$645.00 is excessive and will not be paid to the attorney.

Also, we note that the hearing officer failed to include in the decision a separate paragraph stating the true corporate name of the insurance carrier and the name and address of its registered agent for service of process. See Section 410.164(c). Section 410.204(d) provides that each final decision of the Appeals Panel shall conclude with a separate paragraph stating the true corporate name of the insurance carrier and the name and address of its registered agent for service of process. We reform the hearing officer's decision to include the true corporate name of the insurance carrier and the name and address of its registered agent for service of process in accordance with the applicable statute.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RICHARD J. GERGASKO, PRESIDENT
6210 EAST HIGHWAY 290
AUSTIN, TEXAS 78723**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge